

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/665,582		09/19/2003	Thomas E. Creamer	BOC9-2003-0022 (391)	6447	
40987	7590	11/03/2006		EXAMINER		
AKERMA	AN SEN	NTERFITT	LANEAU, RONALD			
P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188				ART UNIT	PAPER NUMBER	
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		3714	3714	
				DATE MAILED: 11/03/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Comment	10/665,582	CREAMER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Ronald Laneau	3714					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. ely filed the mailing date of this communication. 0 (35 U.S.C. § 133).					
Status .	•						
1) Responsive to communication(s) filed on 19 Se	entember 2003						
	action is non-final.						
3) Since this application is in condition for allowan		secution as to the merits is					
closed in accordance with the practice under E.	·						
·	pa	0 0,0,2,0,					
Disposition of Claims							
4)⊠ Claim(s) <u>1-29</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	n from consideration.	·					
5) Claim(s) is/are allowed.	5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-29</u> is/are rejected.	Claim(s) <u>1-29</u> is/are rejected.						
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers	·						
9) The specification is objected to by the Examiner	·.						
10) The drawing(s) filed on is/are: a) acce		Examiner.					
Applicant may not request that any objection to the o							
Replacement drawing sheet(s) including the correcti	*	* *					
11) The oath or declaration is objected to by the Exa	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •					
Priority under 35 U.S.C. § 119		•					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	-(d) or (f).					
• • • • •							
3. Copies of the certified copies of the priori							
application from the International Bureau		u					
* See the attached detailed Office action for a list of	• • • • • • • • • • • • • • • • • • • •	d.					
		-					
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (Paper No(s)/Mail Da	P1O-413) te					
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	5) D Notice of Informal Pa	atent Application					
Paper No(s)/Mail Date <u>02092004</u> .	6) Other:	•					

Art Unit: 3714

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In this case the contains software (data) structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760.

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1, 2, 5, 8-21 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664).

As per claims 1, 11-17 and 20, Boukobza discloses a method for computing within a grid environment (col. 4, lines 64-67; agents are installed ... in the nodes to be monitored) comprising the steps of: identifying a host software object (col. 2, lines 20-37); associating a

software object with said host software object (col. 2, lines 29-31; each agent comprises a

plurality of specific modules specific to the different object type or to a particular domain);

within said associated software object, replicating host actions (col. 6, lines 30-34; log files of

the actions of each node monitored); recording said replicated actions; moving said host software

object from one grid within said grid environment to another grid; and, in response to said

moving of said host software object (col. 6, lines 30-34). Boukobza does not explicitly disclose

associating software object from one grid to another grid but it would have been obvious to one

of ordinary skill in the art to utilize a software program that associates the different grids from

one another as claimed because it would provide more accurate information concerning the

allocation of the grid resources for individual system accessing the grid.

As per claims 2, 16 and 21, the software system as disclosed by Boukobza comprises a

user object as claimed.

As per claim 5, Boukobza discloses the steps of: determining a location for logging data

that is external to software object; and, said associated conveying said recorded replicated

actions to said determined location (col. 6, lines 30-34; log files of the actions of each node

monitored).

As per claims 8-10 and 23-27, the method as taught by Boukobza would provide the steps

of: selecting a plurality of host software objects; for each selected host software object, repeating

said associating step, said replicating step, and said recording step; and, modeling behavior of at

least a pad of said grid environment using data obtained from said recording steps; the steps of:

disassociating said associated software object from said host software object; and, associating

said previously associated software object with a different host software object; further

Art Unit: 3714

comprising the steps of: cloning said associated software object to create a copied object; and, associating said cloned object with a different host software object (col. 4, line 36 to col. 5, line 17).

As per claims 18, 19, 28 and 29, Boukobza discloses a ghost agent that comprises means for linking said ghost agent with said host software object; means for disassociating said ghost agent from said host software object; and, means for linking said disassociated ghost agent to a different host software object (col. 4, line 63 to col. 5, line 6).

4. Claims 3, 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664) in view of Okada (US 6,419,577 B1).

As per claims 3, 4 and 22, Boukobza does not disclose a multi-player gaming system but Okada disclose a computing system wherein said user object represents a player of a distributed multi-player gaming system, said recording step further comprising the step of: recording actions taken by a user represented by said user object within said distributed multi-player gaming system; wherein said replicated actions are passive actions, said method further comprising the step of: preventing said replicated actions from operationally executing in said grid environment (see abstract, fig. 2).

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664) in view of Talwar et al (US 2004/0139202 A1).

As per claims 6 and 7, the same rejection to claim 1 applies. Boukobza does not disclose an authenticating method associated a software object within a grid but Talwar discloses a

Art Unit: 3714

method comprising the steps of: authenticating said associated software object within said

another grid; and, enabling said associated software object to automatically enter said another

grid based upon said authenticating step; further comprising the steps of: generating a new action

within said host software object; and, replicating said new action within said associated software

object (page 1, [0005].

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to utilize the authenticating method as taught by Talwar into the method of Boukobza

because it would provide a method for grid access control and account management on an

interactive control.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

• Winter et al (US 2006/0195559 A1) disclose services for grid computing.

• Keohane et al (US 2005/0240777 A1) disclose a method, apparatus, and computer

instructions for authorizing a user access grid resources.

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The

examiner can normally be reached on 7:30 - 3:00.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Danes

Ronald Laneau

Art Unit 3714

Primary Examiner 10 27 06

rl